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ZONING MAP ORDINANCE NO. Z-04-83

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated B-2-C (Metropolitan Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974:

CASSELWOOD SHOPPING CENTER

Part of the Northwest Quarter Section 29, Township 30 North, Range 13 East, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 29; thence East along the North line of the Northwest Quarter of said Section 29 (centerline of Paulding Road) a distance of 1535 feet to a point; thence South 1 degree 26 minutes West a distance of 1, 129.4 feet to a point; thence South 89 degrees 20 minutes West a distance of 220 feet to a point on the East line of the West half of the Northwest Quarter of said Section 29, said point also being the Northeast corner of the Casselwood Terrace Addition; thence South 89 degrees 23 minutes West along the North line of Casselwood Terrace Addition a distance of 1, 313.7 feet to a point on the West line of the Northwest Quarter of said Section 29 (centerline Hessen Cassel Road); thence North I degree 26 minutes East along the West line of the Northwest Quarter of said Section 29 (centerline of Hessen Cassel) a distance of 1, 112 feet to the point of beginning;

and the symbols of the City of Fort Wayne Zoning Map No. R-23, as established by Section II of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the seconded by	first time in	i full and o	n motion by duly adopted.	read the	second time
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Plan Commissio due legal noti	n for recomme ce, at the &c	endation) an ouncil Chamb	d Public Mearin ers, City-Count	g to be he	ld after
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			CHARLES Wa	eterig	- CITY CLE
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19 <u>83</u> , at the	e hour of	0'0	clockM	.,E.S.T.	

	RECEIPT NO.
THIS IS TO BE FILED IN DUPLICATE	DATE FILED
1HI2 12 10 BE FILED IN DOLLICAIL	INTENDED USE
I/We Fort Wayne City Plan Commission	
do hereby petition your Honorable Body	s Name or Names) v to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an B-District the property described as follows:	-2 Symbol District to a/an B-2-C
process of the property described as	
SEE ATTACHED LEGAL	
(Legal Descrption) If additional space	ce is needed, use reverse side.
Casselwood Shopping Center	
(General Description for Planning Staf	f Use Only)
I/We, the undersigned, certify that I percentum (51%) or more of the propert	am/We are the owner(s) of fifty-one ty described in this petition.
City Plan Commission One Mair	n Street
Stephen A. Bailey, Secretary	
(Add	dress) (Signature)
(If additional space is needed, use re	everse side.)
Legal Description checked by	
NOTE FOLLOWING RULES	
to the City Plan Commission prior to the being sent to the newspaper for legal continuance or request that ordinances prior to the publication of the legal Commission staff shall not put the mait was to be considered. The Plan Confrom petitioners for deferrals, continuations and the taken under advisement.	the legal notice pertaining to the ordinan publication. If the request for deferral s be taken under advisement is received ad being published the head of the Plan tter on the agenda for the meeting at which maission staff will not accept request nuances, withdrawals, or requests that an after the legal notice of said ordinance al publication but shall schedule the matt
Name and address of the preparer, attended to the flan Commission (Addre	orney or agent. ss & Zip Code) (Telephone Number)
COMMINERY DEVELOPMENT AND PLANNING /	Division of Long Range Planning & Zoning O, City-County Building, One Main Street,

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days.prior to the meeting.

PETITION FOR ZONING ORDINANCE AMENDMENT

LEGAL DESCRIPTION FOR CASSELWOOD SHOPPING CENTER

Part of the Northwest Quarter Section 29, Township 30 North, Range 13 East, described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 29; thence East along the North line of the Northwest Quarter of said Section 29 (center line of Paulding Road) a distance of 1535 feet to a point; thence South 1 degree 26 minutes West a distance of 1,129.4 feet to a point; thence South 89 degrees 20 minutes West a distance of 220 feet to a point on the East line of the West half of the Northwest Quarter of said Section 29, said point also being the Northeast corner of the Casselwood Terrace Addition; thence South 89 degrees 23 minutes West along the North line of Casselwood Terrace Addition a distance of 1,313.7 feet to a point on the West line of the Northwest Quarter of said Section 29 (center line Hessen Cassel Road); thence North 1 degree 26 minutes East along the West line of the Northwest Quarter of said Section 29 (center line of Hessen Cassel Road) a distance of 1,112 feet to the point of beginning.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-04-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Finding of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1983.

Certified and signed this 26th day of April 1983.

Stephen A. Bailey

son it fearing

Secretary

ORIGINAL

Admn. Appr.

DIGEST SHEET

	DIGEST SHEET
	3-83-04-07
TITLE OF ORDINANCE Zoning	Ordinance Amendment (Shopping Center Reclassification)
THE OF ORBINANCE	(Casselwood Shopping Center)
DEPARTMENT REQUESTING O	RDINANCE Land Use Management - CD&P
SYNOPSIS OF ORDINANCE	This Ordinance will place Casselwood Shopping Center
into the correct shopping cent	ter classification within the new Shopping Center Ordinance.
This wi	ll place the Casselwood Shopping Center under the new
ordinance and will allow it to	further develop.
EFFECT OF NON-PASSAGE D	Denial will prohibit any future development within the
present shopping center bo	
F	
MONEY INVOLVED (Direct Costs	, Expenditures, Savings)
ASSIGNED TO COMMITTEE (J	J. N.)



The City of Fort Wayne

City-County Building - One Main Street - Fort Wayne, Indiana 46802

CITY PLAN COMMISSION

26 April 1983

Members of the Common Council City-County Building One Main Street Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held Aptil 25, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

- 1. Bill No. Z-83-04-07
- From B2 Symbol to a B-2-C Classification Metropolitan Shopping Center
- Intended Use: Casselwood Shopping Center
- 4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

The reclassification of this center will bring it into compliance with the new Shopping Center Ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Senior Planner

GFB:pb

BILL NO. Z-83-04-07	
REPORT OF THE COM	MITTEE ON REGULATIONS
WE, YOUR COMMITTEE ON REGULATIONS	TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayr	ne Zoning Map No. R-23
HAVE HAD SAID ORDINANCE UNDER CONSIDERACK TO THE COMMON COUNCIL THAT SAID	
JAMES S. STIER, CHAIRMAN	Julle
JANET G. BRADBURY, VICE CHAIRMAN	Janet & Bradbure
VICTURE L. SCRUGGS	Victure La Scrugge
MARK E. GiaQUINTA	Mark Egaranta
ROY J. SCHOMBURG	My School
C.	neures in 5-10-85
	neuree in 5-10-85 C. E. L. Eskerg



The City of Fort Wayne

May 16, 1983

Ms. Linda King Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of May 20, 1983 & May 27, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne

Bill No. G-83-04-24 General Ordinance No. G-13-83 FIRE PREVENTION CODE 1976

Bill No. Z-83-04-06 Zoning Map Ordinance No. Z-03-83

Bill No. Z-83-04-07 Zoning Map Ordinance No. Z-04-83

Bill No. Z-83-04-10 Zoning Map Ordinance No. Z-05-83

Bill No. Z-83-04-11 Zoning Map Ordinance No. Z-06-83

Please send us 18 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Muley de Conference
Nadejda Eshcoff
City Clerk

"ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-83-04-24 -- General Ordinance No. G-13-83 -- AN ORDINANCE amending Chapter 12, of the City of Fort Wayne: 1976 FIRE PREVENTION CODE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-31

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-23

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-23

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 -- AN ORDINANCE amending the kity of Fort Wayne Zoning Map No. R-38 & Q-38

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 were passed by the Common Council on the 10th day of May, 1983, and said Ordinances were signed and approved by the Mayor on the 12th day of May, 1983, and remains on file and on record in my office.

Copies of Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

(1) The main floor of the City-County Building(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House

Page 2 Legal Notice

Copies of Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Nadejda Eshcoff, City Clerk

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the deisgnated places as stated on May 20, 1983

Nadejda Eshcoff, City Clerk

Form Prescribed by State Board of A	ccounts	Ge	neral Form No. 99 P(Rev. 1967)
Fort Wayne Comm	on Council	To NEWS-SEN	TINEL Dr.
(Governmental Un	út)		
Allen	County, Ind	FORT WAYNE	, INDIANA
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Council of the City of Fort Weyne, Indiene, in Reguler Session did pess the following Bill No. Z-83-04-10 - Zoning Mep Ordinence No. Z-05-83 - City Council Council Council Council Council City Council Council City Council	mn 9.6 picas Size of type	6 point	
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D R-23. Notice is hereby given that on the 10 day of May, 1983, et the Common Council of the City of Fort Weyne, Indiene, in Reguler Session did pess the following Bill No. Z-83-04-10 - Zoning Mep Ordinence No. Z-05-83-AN ORDINANCE emending the City of Fort Weyne Zoning Map No. P-23. Notice is hereby given thet on the 10 day of May, 1983, et the Common Council of the City of Fort Weyne, Indiane, in Reguler Session did pess the following Bill No. Z-83-04-11 - Zoning Mep Ordinence No. Z-06-83-AN ORDINANCE emending the City of Fort Weyne Zoning Map No. R-38	es of Ch. 89., Acts 1967.		
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11 8. Q-38. I. Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana do hereby certify thet Bill No. G-83-04-24-Generel Ordinence No. G-13-83; Bill No. Z-83-04-06 - Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 - Zoning Mep Ordinence No. Z-04-83; Bill No. Z-83-04-10 - Zoning Mep Ordinence No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Mep Ordinence No. Z-06-83 were passed by the Common Council on the 10		Danie	la Roose
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1983, and remains on file and on record in my office. Copies of Bill No. G-83-04-24 - General Ordinence No. G-13-83; Bill No. Z-83-04-06 - Zonling Mep Ordinence No. Z-03-83; Bill No. Z-83-04-07 - Zoning Mep Ordinance No. Z-04-83; Bill No. Z-83-04-10 - Zoning Mep Ordinance No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Mep Ordinence No. Z-06-83, will be posted for reading in the following pleces in Fort Weyne, Allen County, Indiana. (1) The mein floor of the	ALLEN County SS: Personally appeared before me,	a notary public in and for s	aid county and state, the
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and Bill No. Z-83-04-11-Zoning Mep Ordinence No. Z-06-83, will be		CADINA	
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Librery (3) The bulletin board in the lobby et the Eest door of the Allen County		and that the printed matter attac	
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places in Fort Wayne, Allen County,	Subscribed and sworn to me before	this 27 th day of 1	19 83
(1) Reference room in the north end of the mein floor in said Downtown Public Library		Notary Public	Juliano
(2) The Journel of the Common Council Proceedings in the Office of the City Clerk of Fort Weyne, Indiane.	My commission expires	vember 29, 1985	
Nedide Eshcoff, City Clerk I, Nedejde Eshcoff, Clerk of the City of Fort Wayne, Indiene, fulfilled end posted the above ordinances in the			217023
designated places es steted on May 20, 1983. Nadjde Eshcoff, City Clerk 5/20-27			

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My commission expires November 29, 1985

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I, Nadajda Eshcoff, Clerk of the City of Fort Wayne, Indiana do haraby certify that Bill No. G-83-04-		
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of Fort Wayna Zoning Map No. H-38 I, Nadajda Eshcoff, Clerk of the City of Fort Wayne, Indiana do haraby certify that Bill No. G-83-04- 24 - Ganeral Ordinanca No. G-13-83; Bill No. Z-83-04-06 - Zoning Map Ordinence No. Z-03-83; Bill No. Z-83-04-107 Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-11-Zoning Map Ordinance No. Z-06-83 ware passed by the Mayor Ordinance No. Z-05-83 end Bill No. Z-83-04-11-Zoning Map Ordinance No. Z-06-83 ware passed by the Common Council on the 10 day of May, 1983, and said ordinances ware signed and approvad by the Mayor on the 12 day of May, 1983, and remains on file and on record in my office. Copias of Bill No. G-83-04-24 - Ganaral Ordinance No. G-13-83; Bill No. Z-83-04-06 - Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 - Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 - Zoning Map Ordinence No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Map Ordinanca No. Z-06-83, will be postad for reading in the following places in Fort Wayna, Allan County, Indiana. (1) Tha main floor of the	The second secon	Title CLERK
Ordinance No. Z-06-83 ware passed by the Common Council on the 10 day of May, 1983, and said ordi-	7	
nances wara signed and approvad by the Mayor on the 12 day of May, 1983, and remains on file and on	PUBLISHER'S AFFIDAVIT State of Indiana	
Copias of Bill No. G-83-04-24 - Ganaral Ordinance No. G-13-83; Bill	ALLEN County SS: Personally appeared before me. a nota	ary public in and for said county and state,
No. Z-83-04-06 - Zoning Mep Ordinance No. Z-03-83; Bill No. Z-83-04-07 - Zoning Map Ordinance	undersigned Drusilla Roc	SSE who, being duly sworn
No. Z-04-83; Bill No. Z-83-04-10 - Zoning Map Ordinenca No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Map	that she is	of of
Ordinanca No. Z-06-83, will be posted for reading in the following places in Fort Wayne Alten County	JOURNAL-GAZETTE	
Indiana. (1) The main floor of the City-County Building		newspaper of general circulation printed and public
(1) The main floor of the City-County Building (2) The builetin board in the lobby of Downtown Fort Weyne Public Library	town	FORT WAYNE, INDIANA
(3) The bulletin board in fhe lobby af the East door of the Allen County		the printed matter attached hereto is a true continues
Court Housa Coples of Bill No. G-83-04-24 - Generel Ordinance No. G-13-83; Bill No. Z-83-04-06 - Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 - Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 - Zoning Mep Ordinance No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Mep Ordinance No. Z-06-83, will be availabla for reading in the following plecas in Fort Weyne, Allan County, Indiana	as follows:	
Z-83-04-07 - Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -	5/20 - 5/27/83	Drusilla Koose
Zoning Mep Ordinance No. Z-05-83		hrusilla Moose

Indiana.

Nadide Eshcoff, Cify Clark
I, Nadajda Eshcoff, Clark of the City
of Fort Wayna, Indiana, fulfilled and
postad tha abova ordinances in tha
designated places es statad on May
20, 1983.

Nadjda Eshcoff, Cify Clark
5/20-27

Nedjde Eshcoff, City Clerk

Nadjda Eshcoff, City Clerk